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ABSTRACT

This lecture describes the legal status of parental rights pertaining to German schools, and ideas about the practical problems of cooperation between parents and schools in Germany, especially under the auspices of a multicultural society. Four legal parental rights are listed: (1) the right to decide if their child should attend private or state school; (2) the right to decide if their child should take part in religious instruction; (3) the right to choose for their child one of the different kinds of middle- and secondary- schools; and (4) the right to be informed by the school. In addition to these individual rights, parental collective rights are addressed, not only as the rights of a group but also as a social movement. The reality of parental rights in Germany is mentioned in the context of socioeconomic factors influencing parent participation and the parent-teacher relationship. Two points, parental choice on religious instruction and improvement of parental involvement, are raised for a discussion. Finally, the aspect of the cohesion of a multicultural society and the importance of the school in fulfilling this function are pointed out for future study. (WP)

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Parental Rights in Germany -

Summary of the presentation

I.

The lecture given to the audience contented two parts:
- a description of the legal situation on parental rights in German schools and
- some ideas about the practical problems of cooperation between parents and schools in Germany, especially under the aspect of a multicultural society and different expectations of parents.

II.

The parental right of educating their children is a human right laid down in the German Federal Constitution, which we call "Basic Law" ("Grundgesetz"). The article 6 subsection 2 is :

> "The care and upbringing of children are the natural right of parents and primarily incumbent on them. It is the responsibilty of the community to ensure that they perform this duty."

This parental right is understood as an extensive right of the parents, so it also has importance in direction of the school which a child attends.

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This parental right means in the German school-system **first** of all that parents can decide if their child should attend a private school or a state-school; if parents do not make any decision the child will have to attend a state-school (in practice not many parents realise that right of choosing a school for their child: only 5 % of all German pupils attend private schools !).

The **second** right parents have is to decide if their child should take part in religious instruction. This subject is by Federal Constitution (Articel 7 subsection 3) in most of the states inside Germany, the "Länder", a normal subject also in the state-schools, but people are entitled to remove from that subject (from the age of 14 it is a right of the children themselves); if children remove from religious instruction in school they often have to attend "ethics" instead.

The **third** right parents have is to choose for their child one of the different kinds of middle/ secondary-school. Normally parents can choose between the "Hauptschule" (for 5 or 6 years followed by a vocational training), the "Realschule" (for 6 years, but on a higher level than in the "Hauptschule", followed by a vocational training), the "Gymnasium" (for 9 years the right to go to university afterwards) and - in some of the "Länder" the "Gesamt-schule (which integrate all before mentioned kinds of secondary-schools and which also build different levels). The parental decision the state can correct this choice because of the states responsibility for all pupils - which means that for the reason of equality of abilities and capabilities within one class the state could refuse a decision parents made for their child.

The last, the **fourth** right parents have by the German Constitutional Law is a right of information. That means that the school have to inform the parents on all relevant matters which parents have to know.

III.

Beside these **individual** parental rights there are also **collective** rights of the parents which they will have as a group of parents, for example the parents of all the children in one class or in one school. These collective rights of parents are in Germany only be given to the parents by the different School-Acts, not by the German Federal Constitution. All the "Länder" (only they have the right of legislation in school-affairs !) have nowadays collective parental rights fixed in their School-Acts.

IV.

The development in the German School System these days can be described as a movement towards more collective parental rights. The background for that is the realization that the conditions in which schools exist are so different that all too specific directives from a central governing body - like the Ministry of Education of one of the "Länder" - will (and must !) fail. The reaction on this kowledge is that today the discussion of autonomy of the single school. In this process towards more autonomy of the school one must look that there are regulations for this development - but these must be found in the schools itself. This means that all in schools involved people must take part, also the parents.

V.

The reality of parental rights in Germany is complicated. **On one hand** not all parents are involved in the discussions about these rights in the school of their child. Normally middle-class parents will show interest, much less parents of working-class-people or immigrants. Especially the different interests of parents because of their different cultural backgrounds need a representation of all these varied ideas and one have to find a way of balancing these different ideas within the group of parents of one school-class or one school.

Discussions about how to get parents more interested in school-participation have been come to no results, at the end. Political parties, the unions, the churches and other groups try to start parent-seminars - but as long as parents have no real right of participation and decision-making in the schools most of parents will not be interested. So one only can hope that with the development towards more autonomy of the school the interests of parents of taking part in school-affairs will grow !

On the other hands there are also sometimes problems between teachers and parents. Parents involvement in school will be seen as a kind of profit for the teachers: if parents help in a kind of release, by supporting teachers. But also teachers often feel that a parental commitment seems to be a kind of control of teachers work. Parental wishes often will be understood by teachers as a kind of critics, of questioning the teachers competence.
That means that also teachers (and head-masters/ mistresses) in Germany have to learn to communicate with parents - and to see parents involvement in the school also as a profit for them and the school. The basis of that is a

kind of confidence between teachers and parents which sometimes in some German Schools must be still improved.

VI.

The fact that there is religoous instruction in schools in Germany is a situation which is very different to the situation in the U.S.A. under the conditions of the First Amendment. So this was in the centre of the discussion of the participants. The model given in Germany was compared with the regulations not only in the U.S.A., but also in Singapur, in Poland or in Sweden.

The second point in the discussion was the importance of parents involvement and the different experiences the participants could describe about possibilities to higher the engagement of parents.

VII.

The demands on the schools under the aspect of the cohesion of a multicultural society will in the future grow - and also the importance of the school to fulfil this function will grow. This purpose school will reach only if there will be a strong and active participation of parents. In Germany this still is to be improved - and it seems that this question also is to be solved in other states.